



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Information*

#### **35 Disclosure in interests of justice: congenital disabilities, etc.**

- (1) Where for the purpose of instituting proceedings under section 1 of the Congenital Disabilities (Civil Liability) Act 1976 (civil liability to child born disabled) it is necessary to identify a person who would or might be the parent of a child but for [<sup>F1</sup>the relevant statutory provisions], the court may, on the application of the child, make an order requiring the Authority to disclose any information contained in the register kept in pursuance of section 31 of this Act identifying that person.
- (2) Where, for the purposes of any action for damages in Scotland (including any such action which is likely to be brought) in which the damages claimed consist of or include damages or solatium in respect of personal injury (including any disease and any impairment of physical or mental condition), it is necessary to identify a person who would or might be the parent of a child but for [<sup>F1</sup>the relevant statutory provisions], the court may, on the application of any party to the action or, if the proceedings have not been commenced, the prospective pursuer, make an order requiring the Authority to disclose any information contained in the register kept in pursuance of section 31 of this Act identifying that person.

[<sup>F2</sup>(2A) In subsections (1) and (2) “the relevant statutory provisions” means—

- (a) sections 27 to 29 of this Act, and
  - (b) sections 33 to 47 of the Human Fertilisation and Embryology Act 2008.]
- (3) Subsections (2) to (4) of section 34 of this Act apply for the purposes of this section as they apply for the purposes of that.
  - (4) After section 4(4) of the Congenital Disabilities (Civil Liability) Act 1976 there is inserted—

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*Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 35. (See end of Document for details)*

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“(4A) In any case where a child carried by a woman as the result of the placing in her of an embryo or of sperm and eggs or her artificial insemination is born disabled, any reference in section 1 of this Act to a parent includes a reference to a person who would be a parent but for sections 27 to 29 of the Human Fertilisation and Embryology Act 1990.”.

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#### **Textual Amendments**

- F1** Words in s. 35(1)(2) substituted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 35\(2\)](#); S.I. 2009/479, art. 6(1)(d) (with art. 7Sch.)
- F2** S. 35(2A) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 35\(3\)](#); S.I. 2009/479, art. 6(1)(d) (with art. 7Sch.)
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#### **Commencement Information**

- I1** S. 35 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400](#), [art. 2\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 35.